

LUNSFORD DOLE PHILLIPS #4407
7 Waterfront Plaza, Suite 400
500 Ala Moana Blvd.
Honolulu, Hawaii 96813
Tel: (808)543-2055; Fax (808)543-2010
lunsfordp001@hawaii.rr.com
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

DANIEL WARD)	CIVIL NO.
and)	
ESTHER WARD,)	
Plaintiffs)	COMPLAINT
)	
v.)	
)	
66-526 KAMEHAMEHA)		
HIGHWAY, LLC)	
)	
Defendant)	
)	
_____)	

COMPLAINT

Plaintiffs DANIEL WARD and ESTHER WARD, through their undersigned counsel, aver and allege:

JURISDICTION AND VENUE

1. This court has original jurisdiction pursuant to 28 U.S.C. Section 1331 through the federal question raised herein, namely the alleged violation of the Americans With Disabilities Act of 1990 (hereinafter

“ADA”), 42 U.S.C. Section 12101 et seq., and has pendant jurisdiction over the parallel state claim.

2. All events material hereto occurred within the District of Hawaii.

3. Plaintiff DANIEL WARD is a person with a disability who is or about to be subjected to prohibited discrimination by the defendants, being a past and potential future patron of the defendants. Plaintiff ESTHER WARD is also a person with a disability. The plaintiffs are mother and son. They therefore have associational standing to bring this suit for the alleged discrimination as well as personal standing to bring this suit.

VIOLATION OF 42 U.S.C. 12101 ET. SEQ. AND HRS §347-13

4. According to 28 CFR part 36, the defendant is a “public accommodation,” owning and/or in control of an entity which operated or is operating one or more “places of public accommodation”, including retail stores, located at 66-526 Kamehameha Hwy., City & County of Honolulu, Hawaii, and thereby falls under the ambit of the ADA, 42 U.S.C. Section 12101 et seq.

5. The defendant is a domestic limited liability company in good standing with the State of Hawaii Dept. of Commerce and Consumer Affairs, Business Registration Division. The defendant is amenable to suit by any aggrieved individual for violation of the ADA, including the plaintiffs.

6. The defendant has violated Hawaii Revised Statutes §347-13 by denying the plaintiff equal accommodations and have not complied with the ADA final rules, 28 CFR part 36, Subpart C, including but not limited to failure to construct new accessible public accommodations and to eliminate

readily achievable architectural barriers to equal accessibility, including but not limited to:

- a) no accessible route;
- b) no accessible entrance; and
- c) no accessible parking.

THEREFORE, PLAINTIFFS RESPECTFULLY REQUEST THE COURT: enter judgment for one or both of the plaintiffs and against the defendant and order the following relief:

- A) An injunction ordering the defendant's full compliance with the ADA within one hundred eighty (180) days;
- B) Monetary damages in the amount of \$1,000.00 or three times actual damages, whichever is greater, as provided for in Hawaii Revised Statutes §347-13.5;
- C) Payment of plaintiff's litigation costs, including reasonable expert and attorney's fees; and
- D) Such other relief as the court deems proper.

DATED: Honolulu, Hawaii, July 17, 2017.

/s/ LUNSFORD DOLE PHILLIPS

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